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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,218	05/23/2000	Gaurav Banga	103.1038.01	4633

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EXAMINER

BAUGH, APRIL L

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 04/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

2

**Office Action Summary**

Application No.

09/578,218

Applicant(s)

BANGA, GAURAV

Examiner

April L Baugh

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *See Continuation Sheet*.

Continuation of Attachment(s) 6). Other: Notice to File Missing Parts of Nonprovisional Application.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-2 and 6-7 rejected under 35 U.S.C. 102(b) as being unpatentable by US Patent No. 4,680,781 to Amundson et al.

Regarding claim 1, Amundson et al. teaches a method, including steps of at a first device coupled to a communication link, generating at least on first message to a set of second devices coupled to said communication link (column 1, lines 22-24 and column 1, lines 31-34), said one first message being disposed so that its receipt at said set of second devices causes said set of second devices to generate at least one second message in response thereto (column 1, lines 33-36); monitoring receipt of at least one said second message at said first device (column 2, lines 50-51); determining whether or not a protocol mismatch exists between said first device and any of said set of second devices, in response to a result of said step of monitoring (column 2, lines 45-51).

Regarding claim 2, Amundson et al. teaches a method as in claim 1, including steps of at said first device, adjusting protocol parameters to match all of said second devices (column 6, lines 7-11).

Art Unit: 2143

Regarding claim 6, Amundson et al. teaches a method as in claim 1, wherein said protocol mismatch relates to configuration of said communication link as half-duplex or full-duplex (column 2, lines 49-51).

Regarding claim 7, Amundson et al. teaches a method as in claim 1, wherein said step of monitoring includes determining whether or not there are a relatively normal number of said second messages received at said first device (column 2, lines 50-51).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,680,781 to Amundson et al. in view of Slykhouse et al.

Regarding claim 4, Amundson et al. teaches a method as in claim 1 (column 1, lines 22-24 and column 1, lines 31-34).

Amundson et al. does not teach of the device including a switch. Slykhouse et al. teaches wherein at least one of said first device and at least one of said set of second devices includes an end-host or a switch (column 1, lines 65-67). Therefore it would have been obvious to one of ordinary skill in the art at the time that the invention was made to further modify the data telecommunications system and method with universal link establishment of Amundson et al. by

Art Unit: 2143

having a switch included in the device because it allows the device to accept connections from multiple devices with different protocols.

5. Claim 3 and 5 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 4,680,781 to Amundson et al. in view of Hwong et al.

Regarding claim 3, Amundson et al. teaches a method as in claim 1, including steps of at said first device, generating at least one-third message to said set of second devices (column 1, lines 31-35).

Amundson et al. does not teach of interfering with communication. Hwong et al. teaches said one third message being disposed so that it interferes with communication on said communication link when said communication link is configured as half-duplex (column 1, lines 36-42). Therefore it would have been obvious to one of ordinary skill in the art at the time that the invention was made to further modify the data telecommunications system and method with universal link establishment of Amundson et al. by interfering with communication because this forces the communication link to be configured as full-duplex.

Regarding claim 5, Amundson et al. teaches a method as in claim 1 (column 1, lines 22-24 and column 1, lines 31-34).

Amundson et al. does not teach of the Ethernet. Hwong et al. teaches wherein said communication link includes an Ethernet (column 2, lines 43-44). Therefore it would have been obvious to one of ordinary skill in the art at the time that the invention was made to further modify the data telecommunications system and method with universal link establishment of Amundson et al. by having the communication link include an Ethernet because the Ethernet is used in local area networks to connect devices.

Art Unit: 2143


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 703-305-5317. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9149 for regular communications and 703-746-9149 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ALB  
April 14, 2003

  
**DAVID WILEY**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**